



POSSIBILITIES TO ESTABLISH LEGAL DEFINITION OF “FAMILY” FOR THE NEEDS OF FAMILY POLICY

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Purpose: Implementation of family policy is based on groups of instruments helping to achieve aims of the policy. One of such group of instruments is law of the state. To this end, law serves for the establishment of legal categories involved and institutionalized in legal system, which confers legal status on the subjects of the state. The state seeking to address particular groups of persons upon the implementation of public policy needs a clear definition of addressees of certain orders or permissions, as well subjects submitted with certain rights and obligations.

Thus, the purpose of the paper is to provide proposals on the legal definition of “family” and “family members” which would contribute to proper implementation of family policy. The formulation of such proposals is chosen to be based on the analysis of functional fields of family policy.

Design/methodology/approach: The paper analyses current definitions of “family” and “family members” laid down in different laws of the Republic of Lithuania and how these definitions might be developed, i.e. what criteria should be used for the definition of “family” seeking to address legal regulation only to those subjects which are at the target of family policy.

First of all, the paper presents analysis of current situation. In Lithuania, there are more than 200 laws with references to “family” or “family members”, however, only about 30 laws provide definition of “family” or “family members”, which appears to be different in most cases. The paper classifies laws under fields of legal regulation, fields of family policy seeking to discover the criteria for use of different definitions and trying to justify the use of different definitions in particular situations.

For the second, analysis of limitations for the definition of “family” is presented. Restricting requirements come from various sources; the paper describes three of them:



constitutional restrictions, requirements originating from international laws and the “cultural” argument.

Finally, the paper describes the functional fields of family policy provided for in political strategies and activity plans as the most appropriate criteria for the differentiation of definitions of “family” and presents proposals on the creation of legal definition of “family” and “family members” for the needs of implementation of family policy, i.e. provide criteria for the systematic placement of definitions of families in different fields of legal regulation.

The paper is based on fundamental ontology and is displayed in positivist approach. Methods of systematic analysis, statistical analysis, content analysis and descriptive analysis are used.

Findings: Research reveals that the use of definitions of family and family members in laws of the Republic of Lithuania is chaotic and fails to be systematical. It draws inference that definitions are just being copied from one law into another and were not evenly amended afterwards. Having evaluated the possible ways of systematizing the application of different definition seeking to describe the relevant addressees and at the same time to retain it relevant it is proposed to formulate different definitions in accordance with a set of aims (why definition is needed at all), i.e. to establish a joint property, to establish blood relations, to establish maintenance relations, to avoid conflict of interests, etc.

Research limitations/implications. Research is build-up upon and restricted within several presumptions. First, it is considered that a legal definition of family is inevitable, the question is whether it is necessary to use a single definition in all regulated cases, or there can be a number of different definitions; in the latter case it is necessary to ground the need for differences. Second, law is primarily regarded as one of the means to embody public policy, particularly, family policy. Finally, the paper develops the complex issues relating definition and restrictions or obstacles to define family and family members, thus the paper does not contain a detailed analysis of particular restrictions or obstacles.

Practical implications. Paper presents proposals for development of family definition in laws of the Republic of Lithuania.

Originality/Value. The research paper contributes to and presents an original viewpoint in the public policy discussion on the need and possible ways to determine “family” and “family members” following the Conception of the State Family Policy adopted by the Seimas of the Republic of Lithuania in 2008, and the subsequent



Resolution of the Constitutional Court of the Republic of Lithuania declaring that the definition of family used in the Conception was inconsistent with the Constitution of the Republic of Lithuania.

Keywords: family policy, family definition.

Research type: research paper.